IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1375 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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MOHANBHAI KARSANBHAI

Versus

JAMNADAS KARAMSHIBHAI SAVALIYA

Appearance:

1. Civil Revision Application No. 1375 of 2001

MR SURESH M SHAH for Petitioner No. 1-2

MR MEHUL S SHAH for Petitioner No. 1-2

MR VIMAL M PATEL for Respondent No. 1-3

CORAM : MR.JUSTICE D.K.TRIVEDI

Date of decision: 19/04/2002

ORAL JUDGEMENT

1. Rule. Mr. V.M.Patel waives service of rule on behalf of respondents. By consent rule is fixed forthwith.

2. Heard Mr.S.M.Shah for the petitioners and during hearing he took me through the order under challenge passed by the learned Joint Civil Judge (J.D.)., Junagadh and the order dated 20.11.2001 passed by the Joint District Judge, Junagadh. As per the order dated 20.11.2001, the appellate court has dismissed the Revision Application and directed the petitioners to deposit the rent as per the order passed below Application Exh.19 by granting time upto 15.12.2001 and further directing the petitioners to continue to deposit regularly as per order passed earlier below Application Exh.19.

3. As found from the order passed by my brother Justice J.R.Vora while issuing notice dated 27.11.2001, which was made returnable on 18.12.2001, the court has granted stay of the order on condition that the petitioners shall deposit the arrears of rent upto 30.11.2001 at the rate of Rs.1050/-- per month and shall continue to deposit the amount at the rate of 1050/-- per month in the trial court each month at the same rate and the trial court shall not pass further consequential order without direction of this court. The Revision Application is pending before the Joint District Judge, Junagadh, wherein the petitioners have challenged the order passed by the learned trial Judge dated 10.9.2001.

4. Without expressing anything on the contentions raised before me in this Revision Application, to protect the interest of both, the learned Joint District Judge is directed to dispose of the Civil Revision Application No.15/2001 pending before it by 31.8.2002 in accordance with law and till then the petitioners to continue to make payment as per order passed by this court on 27.11.2001 and the respondents are entitled to withdraw the said amount from the trial court. With these observations, rule is made absolute, in the above terms. No order as to costs.

(D.K.Trivedi,J)

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